

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTIAN STREET PHARMACY, ET AL. : CIVIL ACTION
:
v. :
:
CITY OF PHILADELPHIA : NO. 09-824

ORDER

AND NOW, this 15th day of July, 2009, upon consideration of Defendant City of Philadelphia's Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Docket No. 9), Plaintiffs' response thereto, the parties' arguments at a hearing held on June 15, 2009, and the parties' supplemental briefing on the jurisdictional issues in this case, **IT IS HEREBY ORDERED** as follows:

1. The City's Motion is **GRANTED**, to the extent that it raises a jurisdictional defense under the Tax Injunction Act, 28 U.S.C. § 1341.
2. Plaintiffs' Complaint is **DISMISSED** for lack of subject matter jurisdiction.
3. The Clerk of Court is directed to close this matter statistically.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.